Ethics Training

Department of the Army
Office of General Counsel
(Ethics & Fiscal)

www.hqda.army.mil/ogc/eandf.htm

DA Quarterly Ethics VTC – May 2004

Agenda

- Revolving Door Inquiry – DCIS
- Annual Ethics Training
- SF 278 Season (COL Quinn)
- Electronic Preparation of SF 278 (FDM) – update (Mr. Buchholz)
- Widely Attended Gatherings (Mr. Reisman)
- Misuse of Position (LTC Berrigan)

Revolving Door Inquiry - DCIS

- Tasking to gather certain data involving senior officials who have left the Department
- SOCO/HQAMC/HQCOE will task legal offices
- 3-year review period

Annual Ethics Training

- SecArmy memo directing ethics counselors to provide training
- Goal – provide training for ALL Soldiers and employees
- Only ethics counselors may provide ethics training
- Training plans

SF 278 REPORTS

- **Ensure reports are timely filed - $200 penalty**
- **Request extensions if necessary – 45/180**
- **Track reserve GOs 61st day of AD**
- **Temporary SES must file as of 31st day**
- **Do not sign as the DAEO**
- **Ensure all blanks are completed**
- **Look at previous report – Compare A&B**
- **Feel free to make comments on back of page 1**
- **Question if no bank account**

Financial Disclosure Management (FDM)

- 60+ incumbent filers registered
- All JAGC GOs have used
- Favorable feedback from users
- Some minor glitches
- https://aws.sed.monmouth.army.mil/FDMDEMO/

FDM

- The way ahead…

  Jul ’04: Add New Entrant & Termination filers

  Oct ’04: CAC login; review functionality

  2005: available to OSD, other Services

Widely Attended Gatherings

Or Are They? . . .

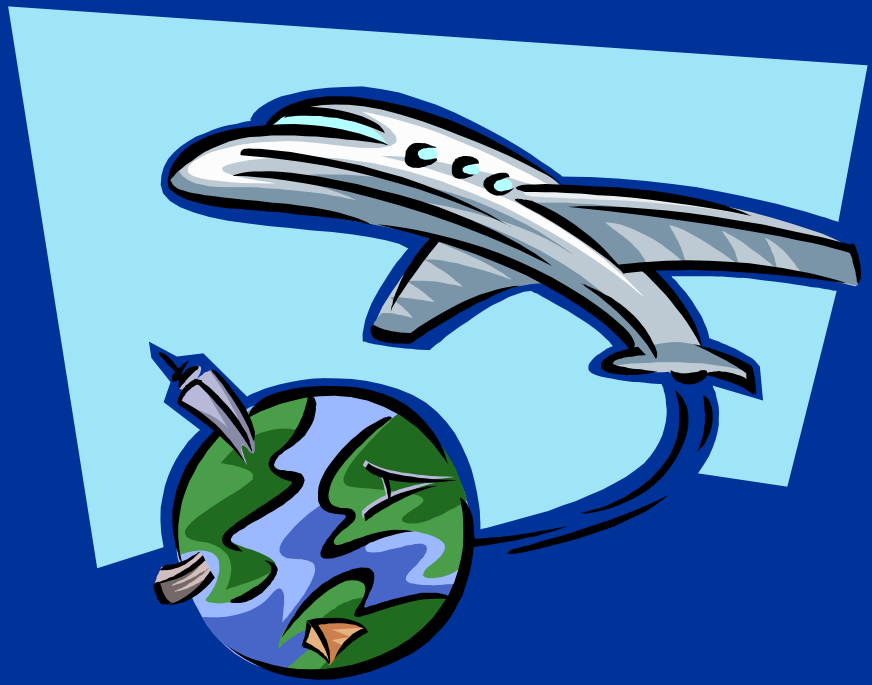
Commanders Must Consider Requirements & Restrictions for:

- Determination of Agency Interest to Authorize Official Travel
- Providing Logistical Support, including personnel, facilities, and equipment
- Authorizing Attendance of Personnel at WAGs of mut interest

Authorization for Personnel to Travel in an Official Status

Must comply with:

- JTR & JFTR
- 31 U.S.C. § 1353



Logistical Support to Private Organization Sponsored Events

Prior to authorizing official support, commanders must determine:

1. **The requested support in no way interferes with the performance of official duties or detracts form readiness;**
2. **Community relations with the immediate community and/or other legitimate Army public affairs or military training interests are served by the support;**

Logistical Support continued. . .

3. It is appropriate to associate the Army with the event;
4. The event is of interest and benefit to the local civilian community, the Army, or the command;
5. The command is able and willing to provide the same support to comparable events that are sponsored by other similar private organizations;
6. No statutory or regulatory restrictions exist which would make the support impermissible; and

Logistical Support continued. . .

7. No admission fee (beyond what will cover the reasonable costs of sponsoring the event) is charged for the portion of the event supported by the command, or the Army support to the event is incidental to the entire event in accordance with public affairs guidance.

Offers of Free Attendance at Widely Attended Gatherings of Mutual Interest

5 C.F.R. 2635.204(g)(2)

- **If a commander or official has determined that the interest of the agency's programs or operations are furthered by attendance, an individual may accept an unsolicited gift of free attendance offered by the sponsor of the event at all or appropriate parts of a "widely attended gathering of mutual interest to a number of parties;" or**

5 C.F.R. 2635.204(g)(2)

- If other than the sponsor of the event makes an offer of free attendance to a Soldier or employee, the unsolicited gift may be accepted if (1) more than 100 persons are expected to attend the event, and (2) the gift has a market value or $285 or less.

Recreational or Sporting Events Never Qualify as Widely Attended Gatherings

Questions?

Misuse of Position: Principle #8 and Beyond

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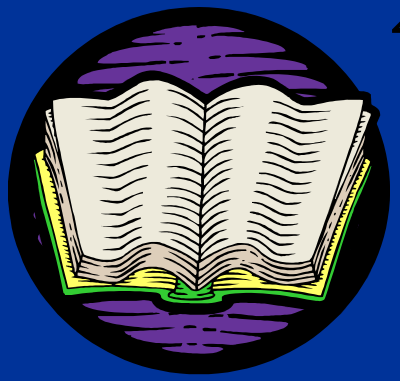
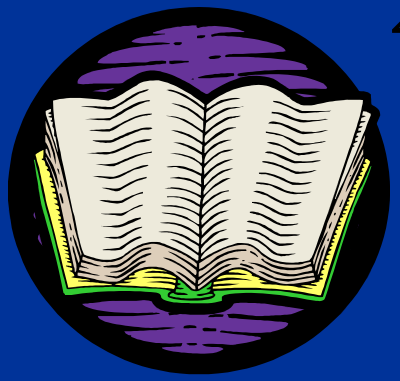
The Rules



- **Principle #8**
  - **Employees shall act impartially and not give preferential treatment to any private organization or individual**
- **5 CFR § 2635.702 (c)**
  - **An employee shall not use or permit the use of his Government position or title or any authority associated with his public office to endorse any product, service, or enterprise**

The Rules

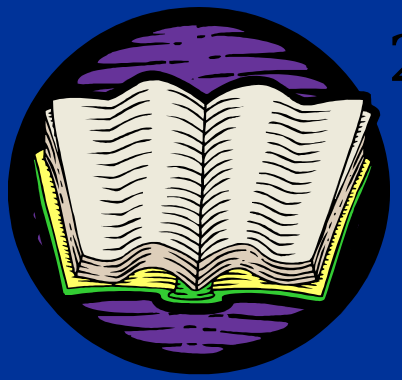


- **5 CFR § 2635.702 (a)**
  - **An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to COERCE or INDUCE another person, including a subordinate, to provide ANY BENEFIT, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity**

The Rules

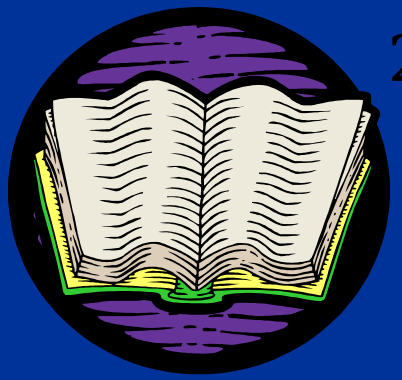
- **JER 3-210 – Fundraising and Membership Drives**
  - **DoD employees shall not officially endorse or appear to endorse membership drives or fundraising for any NFE**

The Rules



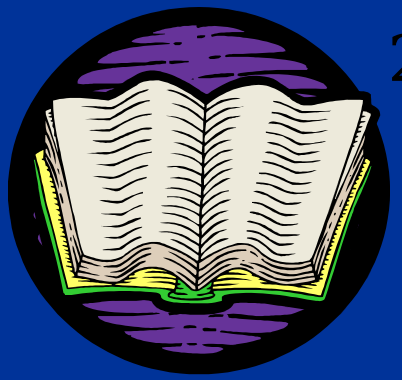
- **JER 3-210 – Fundraising and Membership Drives**
  - **Exceptions include:**
    - **CFC**
    - **AER**
      - **Caution: The 4 military relief organizations have joined to create the Armed Forces Trust. The trust partnered with another organization to solicit the public for donations. Exception applies only if soliciting within Army.**

The Rules



- **JER 3-210 – Fundraising and Membership Drives**
  - **Exceptions include:**
    - **Other organizations composed primarily of DoD employees or dependents when fundraising among their own members for the benefit of welfare funds for their own members or dependents when approved by head of DoD component command or organization after consultation with DAEO or designee.**
      - **Examine command policy on approval**
      - **Example – car washes/bake sales to offset cost of Organization Day**

The Rules



- **SecArmy & CSA memo – Dec 02**
  - **Private Organization Membership Campaigns**
  - **Perception of many Soldiers**
    - **Coerced to join NFEs**
    - **Command tracking of membership**
  - **"Any practice that involves or implies compulsion, coercion, undue influence, or reprisal in the conduct of membership campaigns is strictly prohibited."**
  - **Prohibited tactics:**
    - **Holding repeated orientations or meetings**
    - **Counseling those who refrain from joining**
    - **Including membership stats as part of individual's duty performance**

Have you heard the one about…

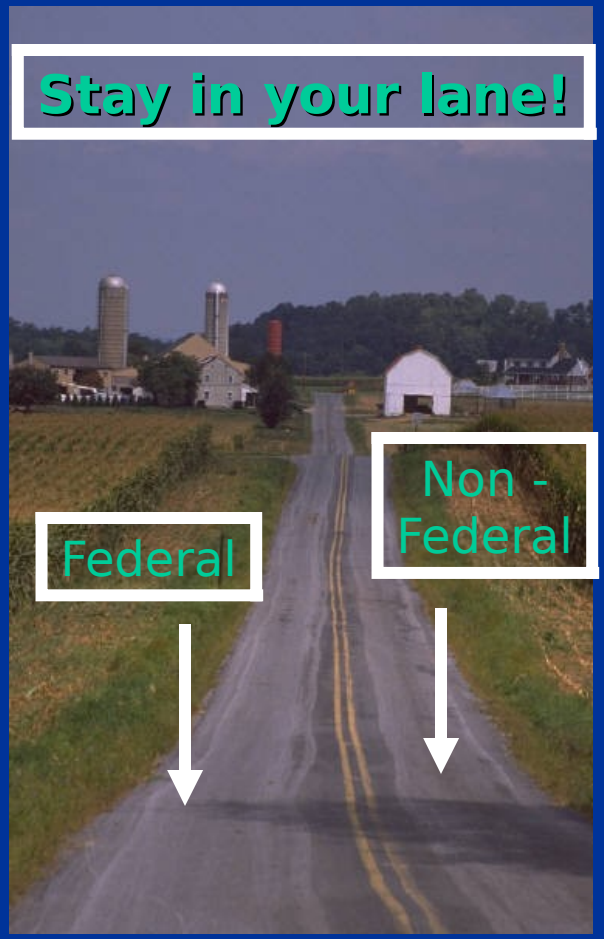
- We will have 100% membership!
- Need to see a list of all the people in the command who haven't joined the NFE!
- If everyone joins, the NFE will throw us a party!
- Let me make this clear - No one is required to join this NFE, but…

What is an NFE?

- **Non-federal entities include more than defense contractors**
- **Any organization or individual that is nongovernmental (federal) – for example:**
  - **States and local governments**
  - **Charities and religious en**
  - **Professional associations**
  - **Academic institutions**

What is an NFE?

- **While private organizations and associations provide valuable support and assistance to Soldiers and employees – they are NOT part of the Army!**

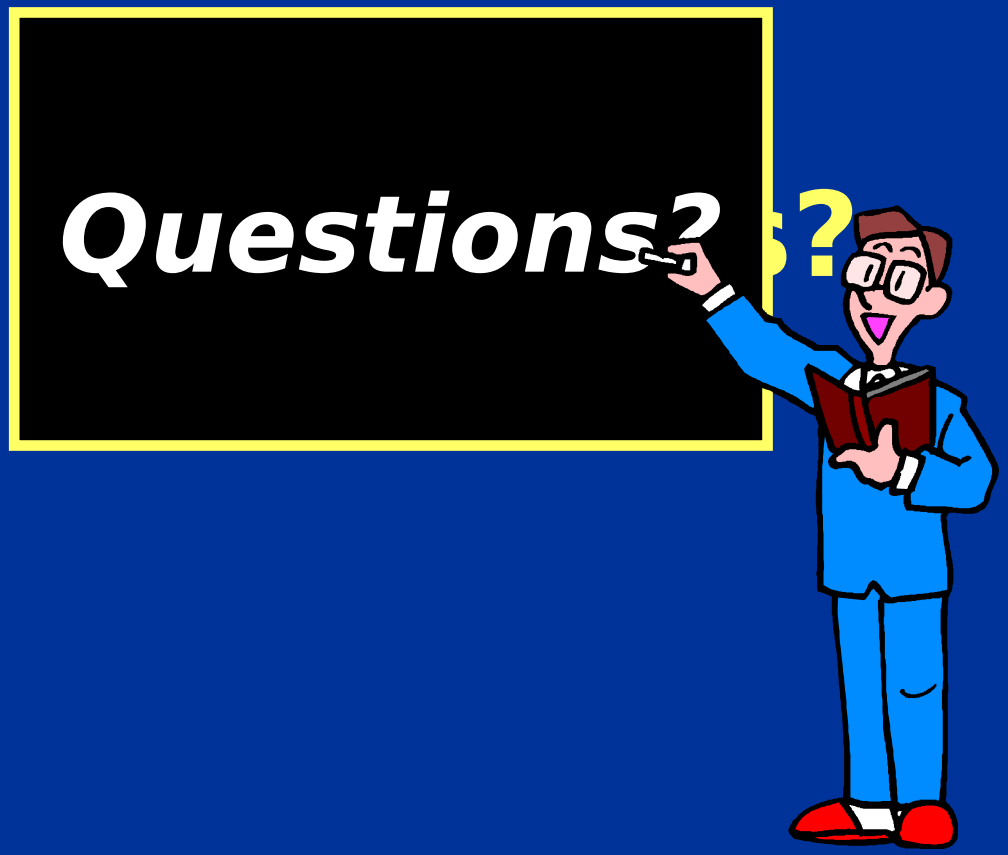


Do Unto Others!

- **Principle #8 requires impartiality**
- **Must be willing to provide similar support to similar NFEs**
- **JER 3-211**
  - **Determination required**
  - **7 factors**

Use of Resources

- Must use government resources for official or authorized purposes only
  - Equipment & Personnel
- If impermissible for commander to do, is impermissible for his/her staff to do
- Watch the email!
  - Notification vs. Solicitation
  - "among own members"


Questions?